IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4397 OF 2006.

Shri Shantaram Balya Pimple. ... Petitioner.

V/s.

The State of Maharashtra
and others. ... Respondents.

V.A.Gangal for the petitioner.

Ms.V.S.Mhaispurkar, AGP for the State.

CORAM: V.C.DAGA, J.

DATED: 30th August 2006.

P.C.:

. Heard learned counsel for the rival parties.

2. This petition is directed against the order dated 6th May, 2006 passed by the Additional Commissioner, Konkan Division, Mumbai, whereby the appeal filed by the petitioner came to be dismissed and the order passed by the Deputy Chief Executive Officer, Zilla Parishad, Thane dated 11th March, 2006, whereby the petitioner was held to be disqualified under the provisions of the Bombay Village Panchayat Act, 1958, came to be confirmed.

3. It is not in dispute that son of the petitioner, viz.; Shri Yogesh Pimple is in service of the Gram Panchayat. The factual aspects stated in the impugned order are not in dispute. During the course of hearing, a partition deed is sought to be brought to my notice to demonstrate that there was partition in the family and Shri Yogesh is staying separately. This partition deed was not produced before either of the authorities below. No document is produced to show that the said partition was acted upon.

4. Be that as it may. Having seen the partition deed produced during the course of hearing, it does not inspire judicial confidence. Having examined the facts of the case and the view taken by the authorities below, in my opinion, the view taken is a reasonable and possible view. This Court not being an appellate Court is not expected to substitute its own view. No interference with the impugned order is called for.

5. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)